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*Attorneys for Defendants and  
Counterclaim Plaintiff*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
SYNOVICS PHARMACEUTICALS, INC.,

Plaintiff,

- against -

NIRMAL MULYE and NOSTRUM  
PHARMACEUTICALS, INC.,

Defendants.

----- X  
NOSTRUM PHARMACEUTICALS, INC.  
(n/k/a Nostrum Investments, Inc.),

Counterclaim Plaintiff,

- against -

SYNOVICS PHARMACEUTICALS, INC.,

Counterclaim Defendant.

----- X  
**NOTICE OF MOTION PURSUANT TO FED.R.CIV.P 12(c) FOR DISMISSAL  
OF THE SECOND AND THIRD COUNTS IN PLAINTIFF'S COMPLAINT**

PLEASE TAKE NOTICE that upon the Complaint dated June 27, 2008; the Amended Answer dated August 26, 2008; the Case Management Plan So Ordered August 14, 2008; the accompanying Declaration of Carlton R. Asher, Jr. dated September 5, 2008 and the exhibits thereto; and the accompanying Memorandum of Law dated September 5, 2008, defendant Nirmal Mulye and defendant and counterclaim plaintiff Nostrum Pharmaceuticals, Inc., by their

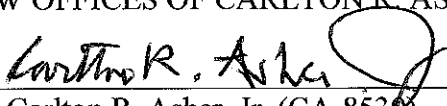
undersigned counsel, will move this Court, before the Honorable Jed S. Rakoff, at the United States Courthouse, 500 Pearl Street, New York, New York, on October 14, 2008, at 11:00 a.m., or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, dismissing with prejudice the Second and Third Counts of the Complaint and granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's direction, any papers in opposition to this motion must be filed and served on or before September 22, 2008, and reply papers shall be filed and served on or before October 3, 2008.

Dated: New York, New York  
September 5, 2008

Respectfully submitted,

LAW OFFICES OF CARLTON R. ASHER, JR.

By  \_\_\_\_\_  
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